United Nations A/C.3/58/SR.51

General Assembly
Fifty-eighth session
Official Records

Distr.: General
21 November 2003
English
Original: French

Third Committee

Summary record of the 51st meeting
Held at Headquarters, New York, on Wednesday, 19 November 2003, at 3 p.m.

Chairman :	Mr. Belinga-Eboutou	(Cameroon)
later :	Mr. Priputen (Vice-Chairperson)	(Slovakia)
later :	Mr. Belinga-Eboutou	(Cameroon)

Contents

Agenda item 117 : Human rights questions *(continued)*

(b) Human rights questions, including alternative approaches for the effective enjoyment of human rights and fundamental freedoms *(continued)*

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

03-62119 (E)
0362119

The meeting was called to order at 3.20 p.m.

Agenda item 117: Human rights questions *(continued)*

(b) Human rights questions, including alternative approaches for the effective enjoyment of human rights and fundamental freedoms *(continued)* (A/C.3/58/L.50, A/C.3/58/L.51, A/C.3/58/L.52, A/C.3/58/L.53, A/C.3/58/L.56, A/C.3/58/L.57 and A/C.3/59/L.61)

Draft resolution A/C.3/58/L.50: Enhancement of international cooperation in the field of human rights

Draft resolution A/C.3/58/L.51: Human rights and unilateral coercive measures

Draft resolution A/C.3/58/L.52: The right to development

1. **Mr. Rastam** (Malaysia) introduced draft resolutions A/C.3/59/L.50, A/C.3/58/L.51 and A/C.3/58/L.52 on behalf of their sponsors, the States members of the Non-Aligne Movement, with whom China had also associated itself.

2. The principal new element of draft resolution A/C.3/58/L.50, as compared with previous General Assembly resolutions on the subject of international cooperation in the field of human rights, was to be found in operative paragraph 2, which recognized that States had "a collective responsibility to uphold the principles of human dignity, equality and equity at the global level".

3. Draft resolution A/C.3/58/L.51 dealt with unilateral coercive measures, which certain States were continuing to apply despite the General Assembly's recommendations and notwithstanding the negative consequences of such measures for world trade and for the social and economic development of the affected populations, especially children. The intention of the draft's sponsors was to reiterate the call for multilateralism and respect of international law in relations between States.

4. Lastly, draft resolution A/C.3/58/L.52 reaffirmed the commitment of the non-aligned countries and China to the promotion of the right to development. The concept document establishing options for the implementation of that right, to be considered by the Commission on Human Rights at its sixty-first session, was of great interest in that connection.

5. *Mr. Priputen (Slovakia), Vice-Chairperson, took the Chair.*

Draft resolution A/C.3/58/L.53: The right of everyone to the enjoyment of the highest attainable standard of physical and mental health

6. **Mr. Meyer** (Brazil), introducing draft resolution A/C.3/58/L.53 on behalf of its sponsors, who also included Angola, Antigua and Barbuda, Azerbaijan, Bolivia, Burkina Faso, El Salvador, France, Germany, Lithuania, Mali and Norway, said that the draft resolution was the first submitted to the General Assembly to be specifically focused on the right to health, thus providing an opportunity for a debate open to the entire membership without restriction. He hoped the draft would be adopted by consensus, for although the right to health was recognized as fundamental in many international instruments and had been at the top of the international community's agenda for a number of years, a great deal still remained to be done towards its attainment.

7. Announcing a number of amendments to the draft, he said that the seventh preambular paragraph had been deleted. The seventeenth preambular paragraph was replaced by the following: "Recalling the declaration on the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) and Public Health adopted at the Fourth World Trade Organization (WTO) Ministerial Conference in Doha, in November 2001, and welcoming the WTO General Council's decision of 30 August 2003 on the implementation of paragraph 6 of the Doha Declaration on the TRIPS agreement and Public Health". Lastly, the words "in its resolution 2003/28" in operative paragraph 16 were deleted.

8. **The Chairman** announced that Afghanistan, Kenya, Nigeria, Portugal and Sierra Leone had also become sponsors of the draft resolution.

Draft resolution A/C.3/58/L.56: Subregional Centre for Human Rights and Democracy in Central Africa

9. **Ms. Fotso** (Cameroon), introducing draft resolution A/C.3/58/L.56 on behalf of the Economic Community of Central African States (ECOCAS), drew

attention to the promising beginnings of the Centre, which since its inception in March 2001 had already made a valuable contribution to the promotion of human rights and democracy in Central Africa by offering training, disseminating international instruments, strengthening institutions and providing support to civil society in the ECOCAS region, an area which had been beset by a number of internal conflicts in recent years. In order to continue upon that path, the Centre needed the international community's support and encouragement. That was the object of the draft resolution.

Draft resolution A/C.3/58/L.57: Protection of and assistance to internally displaced persons

10. **Ms. Sylow** (Norway), introducing draft resolution A/C.3/58/L.57 on behalf of its sponsors, who also included Bosnia and Herzegovina, Cyprus, El Salvador, Greece, Luxembourg and Mali, said that despite protracted efforts on the part of the international community, the situation of internally displaced persons still remained precarious. There was need to improve the assistance and protection extended to such persons, to meet their development needs and to address the root causes of their displacement, as had been recommended by the Representative of the Secretary-General for internally displaced persons.

11. The proposed draft was based on the resolution - which had lost none of its relevance - adopted by the General Assembly in 2001, as well as on the resolution on the same subject adopted by the Commission on Human Rights, but it also included some new elements, e.g. by giving special attention to women, children, older persons and persons with disabilities, by recognising the growing role of national human rights institutions and by referring to the integration of displaced persons in peace and rehabilitation processes. It also emphasised the importance of an effective, accountable and predictable cooperative approach to the problem. She hoped that the draft resolution would be adopted by consensus.

12. **The Chairman** announced that Albania, Bolivia, Bulgaria, Costa Rica, Cote d'Ivoire, Ecuador, Japan, Micronesia and Panama had become co-sponsors of the draft resolution.

Draft resolution A/C.3/58/L.61: Strengthening of the role of the United Nations in enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization

13. **Ms. Zack** (United States of America) introduced draft resolution A/C.3/58/L.61 on behalf of its sponsors, who now included the following countries: Armenia, Australia, Azerbaijan, Czech Republic, Cyprus, Micronesia, Monaco, Saint Vincent and the Grenadines and Spain. Following consultations, it had been decided to amend operative paragraph 6 by adding the following words after the words "requests for electoral assistance": "and encourages those organizations to share knowledge and experience in order to promote best practices in the assistance they provide and in the reporting they make on electoral processes".

14. In addition, she announced the following drafting changes: in preambular paragraph 3, insert a comma between "governance" and "and"; in preambular paragraph 4, insert a comma between "Rights" and "adopted" and delete the words "shall be" between "and "held by secret vote"; at the beginning of preambular paragraph 5, replace "Taking note with interest" by "Noting with interest"; in preambular paragraph 6, delete the comma between "civic education and "in requesting". The drafting changes in the operative part were as follows: in paragraph 4, replace the words "to allow free and fair elections" by "to allow a free and fair election", delete the comma between "election" and "and that", and replace the words "the results of the mission" by "the mission's results"; in the last line of paragraph 8, replace the word "by" before "enhancing" with the word "through"; in the third line of paragraph 9, insert a comma between "mandate" and "and to continue"; and insert the word "Also" before "requests" at the beginning of paragraph 13.

15. **The Chairman** announced that Afghanistan, Albania, Bolivia, Bosnia-Herzegovina, Cape Verde, Dominican Republic, El Salvador, the Former Yugoslav Republic of Macedonia, Fiji, India, Iceland, Panama, the Russian Federation and Sierra Leone had become sponsors of the draft resolution.

16. He further announced that draft resolutions A/C.3/58/L.64 to A/C.3/58/L.72, inclusive, were to be considered on the following day.

17. **Ms. Astanah Banu** (Malaysia) requested that, in view of time differentials, draft resolutions on which the Committee was to take a decision should be announced on the previous day so as to enable delegations to consult their Governments.

18. **Mr. Owade** (Kenya) wished to know the precise programme of work of the Committee over the next few days and the anticipated date of completion of its work.

19. **Mr. de Barros** (Secretary of the Committee) said that the progress and completion of the Committee's work depended on the spirit of cooperation of delegations, the availability of information from the Secretariat concerning possible budgetary implications of draft resolutions, and the availability of documents.

20. **Mr. Amorós Núñez** (Cuba) asked what draft resolutions were still outstanding and when they would be introduced.

21. **Mr. de Barros** (Secretary of the Committee) said that all outstanding draft resolutions whose consideration had not already been announced for the next day would be introduced on the day after that.

22. **Mr. Konfourou** (Mali) said that it would be helpful to know at least the titles of those draft resolutions scheduled for consideration on the next day whose text was not yet available.

23. **Mr. Xie Bohua** (China) said that he was concerned about the progress of the Committee's work. The date set for completing the work should not be exceeded. Expressing surprise at the non-availability of the texts of draft resolutions, he asked whether the problem was due to delegations being late in introducing the drafts or to a hitch in document distribution. His delegation took the view that arrangements in connection with the work of the Committee left much to be desired, and invited the Bureau to give the matter serious attention.

24. **Mr. Amorós Núñez** (Cuba) wondered whether a draft resolution could not be introduced and adopted on the same day.

25. **Mr. Roshdy** (Egypt) said that he was still awaiting a reply from the Bureau to the question he had raised at the Committee's first meeting concerning the legal interpretation of rule 129 [89] of the Rules of Procedure of the General Assembly (A/520/Rev.15).

26. *Mr. Belinga-Eboutou (Cameroon) resumed the Chair.*

27. **The Chairman**, replying to questions raised in the course of the meeting, said that it was up to delegations and to the Secretariat to do their utmost to ensure that the Committee could complete its work by the scheduled date. With regard to the question concerning the legal interpretation of rule 129 [89] of the Rules of Procedure, he said that the matter was in hand and an answer would be communicated to the Committee in due course.

28. **Ms. Al Haj Ali** (Syrian Arab Republic) asked for an answer to her earlier question as to whether it was acceptable for a draft resolution to be introduced under an agenda item which did not correspond to the draft resolution's contents.

29. **The Chairman** replied that the task of the Bureau was confined to ensuring that the deadlines set for the introduction of draft resolutions were complied with. Delegations were free to introduce their draft resolutions under any agenda item, after which it was for the Committee to decide whether the draft resolution should or should not be considered.

30. **Ms. Al Haj Ali** (Syrian Arab Republic) requested that the Chairman's answer to her question be duly reported in the record of the meeting. The Chairman assured her that that would be done.

31. **Ms. Astanah Banu** (Malaysia), referring to the question as to a draft resolution could be introduced and adopted on the same day, recalled the rule whereby 24 hours had to elapse between the introduction and the adoption of drafts.

32. **The Chairman** remarked that the Committee was free to waive the 24-hour rule if it saw fit.

33. **Ms. Leyton** (Chile) agreed with the representative of Egypt that the question of the interpretation of rule 129 [89] of the Rules of Procedure should be settled as early as possible. The delay in adopting draft resolutions could possibly be due to the absence of a decision on that point. As for the 24-hour rule, she recalled that the Committee had already waived it in the past.

34. **The Chairman** pointed out that in raising the question of rule 129 [89] the Egyptian delegation had not made that issue a precondition for the adoption of draft resolutions. He would shortly be in a position to inform the Committee of the legal interpretation of the rule in question. No legal vacuum had arisen, and nothing stood in the way of the Committee's proceeding with its work.

The meeting rose at 4.20 p.m.